

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-41333-2020
Date of decision: 18.03.2021**

Chuni Lal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Tushant Deep Garg, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 290 dated 16.09.2020, registered under Sections 22/15/61/85 of the Narcotic Drugs & Psychotropic Substances Act at Police Station Ellenabad, District Sirsa.

Learned counsel for the petitioner submits that the petitioner is an agriculturist and he is not involved in any other case and presently, he is in judicial custody for the last about six months.

Learned counsel for the petitioner further submits that as per allegations in the FIR, ASI Ashok Kumar was heading a police party and on suspicion, they apprehended the petitioner and recovered 210 capsules of Tramadol HCL and 3.5 Kgs. of poppy straw.

It is further submitted that it will be a debatable issue during trial whether the proper procedure was followed during investigation or not

as neither any Gazetted Officer was called at the spot nor any second investigating officer was called as the entire investigation was conducted by ASI Ashok Kumar and on completion of investigation, he sent a report to the police station for registration of the case.

Learned State counsel, on the basis of the custody certificate filed today in Court, has not disputed the factual position. As per custody certificate, the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody for the last about six months; he is not involved in any other case and also in view of the fact that conclusion of trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

However, it is made clear that in case the petitioner is found involved in any other case under the NDPS Act subsequently, the prosecution will be at liberty to move an appropriate application for cancellation of the bail.

18.03.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No